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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,680	03/16/2007	Shigeki Ohno	20162.25USWO	1388
52835 7590 03/01/2010 HAMRE, SCHUMANN, MUELLER & LARSON, P.C. P.O. BOX 2902 MINNEAPOLIS, MN 55402-0902				
EXAMINER				
REDDY, KARUNA P				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
03/01/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,680

Applicant(s)

OHNO ET AL.

Examiner

KARUNA P. REDDY

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-25 is/are pending in the application.
- 4a) Of the above claim(s) 3-6, 8, 16-18 and 20-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 9-15, 19 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to amendment filed 11/12/2009. Claims 1, 11 and 25 are amended; claim 7 is cancelled; claims 3-6, 8, 16-18 and 20-24 are withdrawn from consideration as being drawn to non-elected invention.

This action is made final in light of limitations to the claims that are newly presented following the preceding office action.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1-2, 9-15, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al (WO 99/43719) in view of Bandou et al (WO 03/029355).

It is noted that WO 99/43719 (WO '719) and WO 03/029355 (WO '355) are being utilized for date purposes. However, since WO '719 and WO '355 are not in English, US equivalent for WO '719 and WO '355, namely, Nakagawa et al (US 6, 964, 999 B1) and Bandou et al (US 7, 135, 518 B1) respectively, are referred to in the body of the rejection below. All column and line citations are to the US equivalent.

Nakagawa et al disclose a vinyl polymer having at least one terminal group of the general formula -



wherein R represents hydrogen or an organic group containing 1 to 20 carbon atoms (i.e. reads on the crosslinkable functional group of instant claims 1 and 25); a curable composition containing said polymer (abstract). The main chain of vinyl polymer is preferably comprised of a (meth)acrylic polymer, more preferably comprised of an acrylic ester (col. 4, lines 25-29) which reads on poly(meth)acrylate of instant claims 1 and 25. The vinyl polymer preferably has a molecular weight distribution of less than 1.8 (col. 5, lines 20-23). The atom transfer radical polymerization is a preferred method of living radical polymerization (col. 8, lines 38-40). The transition metal complex for use as polymerization catalyst in the atom transfer radical polymerization preferably includes a metal complex, the central metal of which is selected from among the elements belonging to group 7, 8, 9, 10 or 11 of the periodic table. Among these, copper complex is preferred (col. 14, lines 50-60).

Nakagawa et al are silent with respect to surface tack modifier and its amount.

However, Bandou et al teach curable composition comprising a compound having a melting point of 40 to 75°C which include fatty acid esters such as stearyl stearate, stearic acid monoglyceride and pentaerythritol tetrastearate (i.e. read on aliphatic carboxylic acid ester of instant claims). The compound having a melting point of 40 to 75°C makes the contamination resistance high (col. 19, lines 57-67; and col. 20-14). The blend ratio of the compound having a melting point ranging from 40 to 75°C is desirably from 0.1 to 5 parts by weight per 100 parts by weight of the base resin (col. 20, lines 46-48). Therefore, in light of the teachings in Bandou et al, it would have been obvious to one skilled in art at the time invention was made to add fatty acid esters such as stearyl stearate, stearic acid monoglyceride and pentaerythritol tetrastearate, in

amounts of from 0.1 to 5 parts by weight, to the curable composition of Nakagawa et al, for improving contamination resistance.

Response to Arguments

4. The objections, and rejections under 35 U.S.C. § 102 and 103 as set forth in paragraphs 3, 5 and 8-9 in the preceding office action mailed 8/13/2009 are hereby overcome in light of the amendments and applicant's arguments filed 11/12/2009.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KARUNA P. REDDY whose telephone number is (571)272-6566. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. P. R./
Examiner, Art Unit 1796

/Vasu Jagannathan/
Supervisory Patent Examiner, Art Unit 1796